



Attorney Docket No. 22940/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Howard N. Straub Art Unit: 3731
Application No.: 09/650,584 Examiner: Vy Q. Bui
Filed: August 30, 2000 Confirmation No. 9208
For: **OPHTHALMIC DEVICE AND METHOD OF MANUFACTURE AND USE**

RECEIVED
SEP 14 2004
TECHNOLOGY CENTER P3700

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By: Elaine E. Fabrizio Date: September 1, 2004

PETITION FOR THREE MONTH EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to Office Action dated March 1, 2004 issued in the above-identified application. Please extend the due date for response for three months, from June 1, 2004 to September 1, 2004. Please charge our Deposit Account No. 50-0369 in the amount of \$950.00 to cover the fee for the three month extension of time.

Dated: September 1, 2004

Respectfully submitted,

David J. Rikkers
David J. Rikkers, Reg. No. 43,882
Attorney for Applicant
Customer No. 21710
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111
Tel: 617-856-8382
Fax: 617-856-8201

09/08/2004 EAREGAY1 00000012 500369 09650584

01 FC:1253 950.00 DA

Adjustment date: 10/25/2004 SDIRETA1
09/08/2004 EAREGAY1 00000012 500369 09650584
01 FC:1253 950.00 CR

10/25/2004 SDIRETA1 00000010 500369 09650584

01 FC:2253 475.00 DA

#1298788 v11 - rikkerdj - 22940/2

BEST AVAILABLE COPY

Applicant(s): Howard N. Straub
 Serial No. : 09/650,584
 Filed : August 30, 2000
 Entitled : OPTHALMIC DEVICE AND METHOD OF MANUFACTURE AND USE

Examiner: Vy Q. Bui
 Art Unit: 3731
 Classification No.: 9208

Patent
 Application No.: 22940/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being Facsimile transmitted to: 1-703-308-6778, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on: September 17, 2004

By: Elaine Fabrizio
 Commissioner for Patents
 P.O. Box 1450
 Arlington VA 22313-1450

REQUEST FOR REFUND

Sir:

On September 1, 2004, an Amendment was filed in the above-identified case. A large entity Three Month Extension fee of \$950.00 was incorrectly paid on September 1, 2004, and charged to the Deposit Account on September 8, 2004. Applicant submits herewith, under 37 CFR § 1.28(a), a request for a refund of the excess extension fee paid, as Applicant qualified at the time of filing as a small entity. Applicant submits that because this Request for Refund is submitted within the three months from the date of time of the payment of the full fee, Applicant is entitled to a request for a refund of \$475.00, to be credited to Deposit Account 500369. For the Examiner's convenience, Applicant includes herewith, a Verified Statement Claiming Small Entity Status. Applicant further notes that small entity fees were paid at the time of filing of this application.

Respectfully submitted,

David J. Rudnick, Attorney for Applicant
 Reg. No. 43,882
 Brown Rudnick Barack Israels LLP
 One Financial Center, Box IP
 Boston, MA 02111
 Customer No. 71710
 Phone: 617-856-8382
 Fax: 617-856-8201
 Email: ip@brilaw.com

BEST AVAILABLE COPY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN		Docket No. RES-101A
Serial No. 09/650,584	Filing Date August 30, 2000	Issue Date
Applicant/ Patentee: STRAUB, Howard N.		
Invention: Ophthalmic Device and Method of Manufacture and Use.		

COPY

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Restervision, Ltd.ADDRESS OF CONCERN: Building 1, Unit 1A, Newton Industrial, Christ Church, Barbados

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

BEST AVAILABLE COPY

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below:

FULL NAME
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Lawrence J. Deutsch

TITLE OF PERSON SIGNING

President, Restorvision, Ltd.

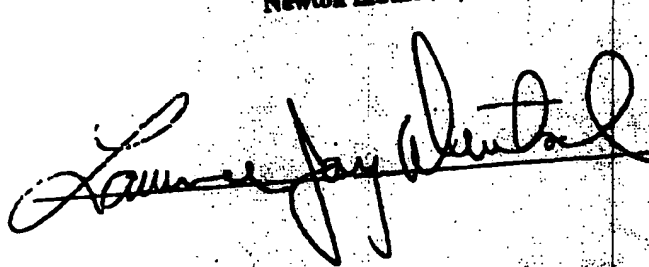
OTHER THAN OWNER:

Building 1, Unit 2A

ADDRESS OF PERSON SIGNING:

Newton Industrial, Christ Church, Barbados

SIGNATURE:



DATE:

11/17/00

USPTO TRANSMITTAL

Any Initials: DJR/eef
Docket No.: 22940/2

The following has been received in the U.S. Patent and Trademark Office on the date stamped
hereon. Kindly acknowledge receipt by date stamping and placing this card in the outgoing
mail.

Inventor: Howard M. Straub

App No. 09/630,584

Filing Date: August 30, 2000

Issue Date:

Client: Restorvision, Inc.

Patent No.

Mailing Date: September 1, 2004

Title: OPHTHALMIC DEVICE AND METHOD OF MANUFACTURE AND USE



Title: OPHTHALMIC DEVICE AND METHOD OF MANUFACTURE AND USE

Enclosed is: September 1, 2004

Certificate of Mailing dated September 1, 2004

Amendment Transmittal Letter - 1 pg.

Amendment and Response - 14 pgs.

Amendment of Time - 1 pg.

Petition for Extension of Time - 7 pgs.

--IDS, PTO-1449 Form - 7 pgs.

--Copies of IDS, and PTO-1449 Form (dated 1/24/01, 4/4/01,
and 5/21/01) - 29 pgs. total.

--CD-ROM - 1

--References - 1

--Associate Power of Attorney - 1 pg.

BEST AVAILABLE COPY

09/17/04 16:11 FAX 617 856 8201

BROWN RUDNICK

001

**BROWN
RUDNICK
BERLACK
ISRAELS**

One Financial Center
Boston, Massachusetts 02111
617.856.8200
Fax 617.856.8201
www.brownrudnick.com

Fax
F a x i l e

DATE September 17, 2004

PAGE(S)

THIS TRANSMISSION CONSISTS OF THIS COVER SHEET AND 4

ORIGINAL DOCUMENT TO FOLLOW: YES ☐ NO ☒

If you do not receive all pages, please call Office Services at 617.856.8200

FAX NUMBER 1-703-308-8778

ATTENTION OF Refund Department
Application No. 09/550,584

TELEPHONE NUMBER 1-703-305-4229

FROM David J. Riddors

DIRECT DIAL 617.856.8382

CWA# 22940/0002/2581

MESSAGE

Attached please find:

Request for Refund (1 pg.);
Verified Statement Claiming Small Entity Status (2 pgs.); and
Acknowledge receipt postcard (1 pg.)

BEST AVAILABLE COPY

CONFIDENTIALITY NOTICE

The documents accompanying this fax transmission contain information from the last firm of Brown Rudnick Berlack Israels LLP which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this fax in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you. Thank you.

Alexandra House
Ballybride, Dublin 4 IRL
+353.1.654.1738
Fax +353.1.654.1838

CityPlace 1
Hartford, CT 06103
603.508.8800
Fax 603.508.8801

400 West Street
London, W6A 2LJ UK
+44 (0) 20 7591 8000
Fax +44 (0) 20 7591 8100

120 West 45th Street
New York, NY 10036
212.758.0100
Fax 212.758.0100

121 South Main Street
Providence, RI 02903
401.278.3800
Fax 401.278.3801

1201 Pennsylvania Ave NW Suite 32
Washington, DC 20004
202.347.2222
Fax 202.347.4242

09/17/04 FRI 16:08 [TX/RX NO 5962]